



Atty. Dkt. No. 053466-0366

DIVISION

22 NOV 29 PM 4:07
DRAFT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshihisa SUDA et al.
Title: CARBON HEATING ELEMENT AND
METHOD OF PRODUCING SAME
Appl. No.: 10/648,255
Filing Date: 08/27/2003
Examiner: Leonid M. Fastovsky
Art Unit: 3742
Confirmation No: 5217

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request a refund of a \$1,810.00 payment that was authorized by Credit Card payment on September 13, 2006. (Exhibit A.) This payment was made in order to prevent the application from going abandoned in view of an *erroneous* Advisory Action issued in the 6th month period after a Final Office Action, *and the PTO has acknowledged that the Advisory Action was indeed issued erroneously and has since withdrawn the Advisory Action.*

Background

- a) A Final Office Action dated March 13, 2006, was issued rejecting claims based on a new reference (Mitsubishi) that is not prior art to this application.

b) Applicants replied to the Final Office Action in a timely Response dated June 13, 2006 (Exhibit B), traversing the rejection on the grounds that the new reference is not prior art to this application. *No amendments to the claims were made in this Response.*

c) Two months later, an Advisory Action dated August 14, 2006 (Exhibit C), was issued alleging that amendments filed after the final rejection "raise new issues that would require further consideration and/or search." Again, *no amendments were proffered* in the June 13, 2006, Response, *only arguments were presented* in the June Response.

d) Applicants' representative left a number of messages for Examiner Robinson on his voice mail starting on August 25 and continuing into the first week in September, with no reply until September 08. On September 08, Examiner Robinson indicated that he tentatively agreed that the Advisory Action was issued erroneously, and that he would look into this matter. However, Applicants' representative did not hear back from Examiner Robinson and as the non-extendable due date was approaching, finally called Examiner Robinson's supervisor to discuss this case, at which point it was learned that Examiner Robinson was out of the office on leave attending to a sick relative.

e) A different examiner was then assigned to this case (Examiner Fastovsky), and it was tentatively agreed that the Advisory Action was issued in error. However, by September 13, 2006 (the 6th month non-extendable due date), no official withdrawal of the Final Office Action had been made by the PTO.

f) Applicants filed a Request for Continued Examination, together with a Petition for a 3-month Extension of Time, on the non-extendible due date of September 13, 2006 (Exhibit D). This was done in order to prevent the application from going abandoned.

g) During a telephone interview between Examiner Fastovsky and the undersigned on September 14, 2006, *Examiner Fastovsky agreed that the Advisory Action was issued erroneously, and that it would be withdrawn* and an office action would follow. This is memorialized in the Interview Summary (Exhibit E), with the pertinent portion circled.

Request for Refund

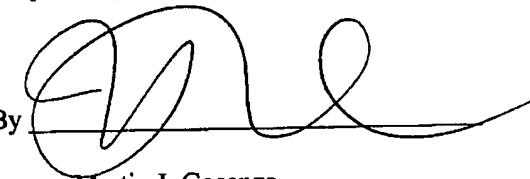
In view of the foregoing, Applicants respectfully request that a credit of \$1,810.00 be made to Deposit Account No. 19-0741. That is, but for the erroneous issuance of the Advisory Action, and but for the PTO's failure to respond to Applicants' representative's repeated attempts to remedy this situation during the 3 week period prior to the 6th month due date, a Request for Continued Examination and the Petition for Extension of Time would not have been necessary, and thus the associated fees would likewise not have been necessary.

It is believed that no fee is required for filing this petition, but should a fee be required, the PTO is authorized to charge an appropriate fee for the filing of this petition to Deposit Account No. 19-0741.

Respectfully submitted,

Date Nov 27, 2006

By



Martin J. Cosenza
Attorney for Applicant
Registration No. 48,892

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4747
Facsimile: (202) 672-5399

Atty. Dkt. No. 053466-0366

EXHIBIT A



Atty. Dkt. No. 053466-0366

EXHIBIT B



Atty. Dkt. No. 053466-0366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshihisa SUDA et al.

Title: CARBON HEATING ELEMENT AND METHOD OF PRODUCING
SAME

Application No.: 10/648,255

Filing Date: 8/27/2003

Examiner: Fastovsky, Leonid M.

Art Unit: 3742

AMENDMENT AND REPLY UNDER 37 CFR 1.116

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Final Office Action dated March 13, 2006,
concerning the above-referenced patent application.

Remarks/Arguments begin on page 2 of this document.

REMARKS

The Office Action has been reviewed and the Examiner's comments carefully considered. No claims are being amended, added, or canceled. Thus, claims 12-32 remain pending and are submitted for reconsideration.

Rejections under 35 U.S.C. 102 as being anticipated by Mitsubishi.

Claims 12-13, 16, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 11-242984 ("Mitsubishi"). The rejection should be withdrawn for at least the reason that Mitsubishi is not prior art under U.S. patent law. The present application is a continuation of U.S. Application No 09/446,307, filed on December 20, 1999, which was the National Stage of International Application No. PCT/JP98/02849, filed on May 21, 1999. According to the MPEP 1893.03(b): "An international application designating the United States shall have the effect, from its international filing date under Article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title." Because this application claims priority to the PCT international application, the effective filing date of the present application is also May 21, 1999. Mitsubishi is a Japanese reference published on September 7, 1999, which is over three months later than the effective filing date of the present application. Because Mitsubishi is not prior art, claims 12-13, 16, and 29 are allowable for at least this reason.

Rejections under 35 U.S.C. 103 as being unpatentable over Mitsubishi.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Japanese reference 59-219886 ("Yasuda"). The rejection should be withdrawn for at least the reason that Mitsubishi is not prior art under U.S. patent law, as described above. Because Mitsubishi is not prior art, claim 14 is allowable for at least this reason.

Claims 17-23 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Japanese reference 09-007955 ("Sotodani"). The rejection should be withdrawn for at least the reason that Mitsubishi is not prior art under U.S. patent law, as described above. Because Mitsubishi is not prior art, claims 17-23 and 29-30 are allowable for at least this reason.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of U.S. Patent 3,817,735 ("Jones"). The rejection should be withdrawn for at least the

reason that Mitsubishi is not prior art under U.S. patent law, as described above. Because Mitsubishi is not prior art, claim 15 is allowable for at least this reason.

Claims 24-25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of U.S. Patent 6,143,238 ("Konishi"). The rejection should be withdrawn for at least the reason that Mitsubishi is not prior art under U.S. patent law, as described above. Because Mitsubishi is not prior art, claims 24-25 and 31 are allowable for at least this reason.

Claims 26-28 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of U.S. Patent 4,950,443 ("Kawakubo"). The rejection should be withdrawn for at least the reason that Mitsubishi is not prior art under U.S. patent law, as described above. Because Mitsubishi is not prior art, claims 26-28 and 32 are allowable for at least this reason.

Conclusion

The present application is now believed to be in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 053466-0366

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Michelle V. Kaminski

Date June 13, 2006

By Reg. No. 52,904,644

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5571
Facsimile: (202) 672-5399

Harold C. Wegner
Attorney for Applicant
Registration No. 25,258

Atty. Dkt. No. 053466-0366

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	DEMANDING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,255	08/27/2003	Yoshihisa Suda	053466-0366	S217
22428	7590	08/14/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ROBINSON, DANIEL LEON	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT - C



Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/648,255	SUDA ET AL.
Examiner	Art Unit	
Daniel L. Robinson	3742	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 12 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

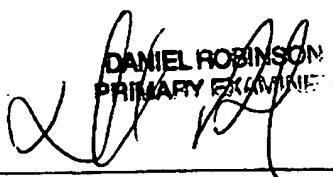
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. Other: _____.


DANIEL ROBINSON
PRIMARY EXAMINER

Atty. Dkt. No. 053466-0366

EXHIBIT D



Atty. Dkt. No. 053466-0366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshihisa SUDA et al.
Title: CARBON HEATING ELEMENT AND METHOD OF PRODUCING SAME
Appl. No.: 10/648,255
Appl. Filing Date: 08/27/2003
Examiner: Daniel Leon Robinson
Art Unit: 3742
Confirmation Number: 5217

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

Atty. Dkt. No. 053466-0366

CLAIMS FEE TOTAL: = \$790.00

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00		\$0.00
[X]	Extension for response filed within the third month:	\$1,020.00		<u>\$1,020.00</u>
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00		\$0.00
	EXTENSION FEE SUBTOTAL:			<u>\$1,020.00</u>
	EXTENSION FEE ALREADY PAID:			<u>\$0.00</u>
	EXTENSION FEE TOTAL			<u>\$1,020.00</u>
	CLAIMS AND EXTENSION FEE TOTAL:			<u>\$1,810.00</u>
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
	TOTAL FEE:			<u>\$1,810.00</u>

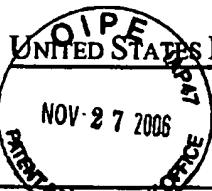
A credit card payment form in the amount of \$1,810.00 to cover the filing fee and extension of time is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.



Atty. Dkt. No. 053466-0366

EXHIBIT E



UNITED STATES PATENT AND TRADEMARK OFFICE

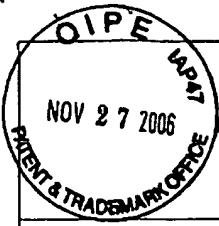
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	TRADEMARK NO.	DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,255		08/27/2003	Yoshihisa Suda	053466-0366	5217
22428	7590	09/19/2006		EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				FASTOVSKY, LEONID M	
				ART UNIT	PAPER NUMBER
				3742	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT - E



Interview Summary

Application No.	Applicant(s)	
Examiner	Art Unit	
10/648,255 Daniel L. Robinson	3742	

All participants (applicant, applicant's representative, PTO personnel):

(1) Daniel L. Robinson. (3) _____

(2) Martin Cosenza. (4) _____

Date of Interview: 14 September 2006.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____

Claim(s) discussed: all claims.

Identification of prior art discussed: mitsubishi.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: advisory action will be withdrawn and an office action will follow.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DANIEL ROBINSON
PRIMARY EXAMINER

Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An Indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (If Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

SEP 19 2006
PATENT & TRADEMARK OFFICE

Atty. Dkt. No. 053466-0366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshihisa SUDA et al.
Title: CARBON HEATING ELEMENT AND METHOD OF PRODUCING SAME
Appl. No.: 10/648,255
Appl. Filing Date: 08/27/2003
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REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

Adjustment date: 12/14/2006 ZJUHAR1
09714/2006 JADDO1 00000016 10648255
01 FC:1801 -790.00 OP
02 FC:1253 -1020.00 OP

89/14/2006 JADDO1 00000016 10648255
01 FC:1801 790.00 OP
02 FC:1253 1020.00 OP

Refund Ref: 0030036574
12/14/2006 \$1810.00
Credit Card Refund Total:
VISA...: XXXXXXXXXXXX3285

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